

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SURE FIT HOME PRODUCTS, LLC et al.,	:	
Plaintiffs,	:	
	:	21 Civ. 2169 (LGS)
-against-	:	
	:	<u>ORDER</u>
MAYTEX MILLS, INC.,	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

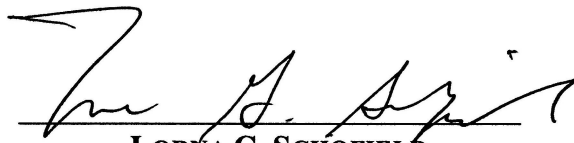
WHEREAS, Defendant requests a pre-motion conference for a contemplated motion for judgment on the pleading as to Plaintiffs' claims of design patent infringement (Dkt. No. 75). Plaintiffs oppose (Dkt. No. 85).

WHEREAS, before the Court addresses whether Plaintiffs' Complaint states a claim as a matter of law, *see Walsh v. Townsquare Media, Inc.*, 464 F.Supp.3d 570, 579 (S.D.N.Y. 2020), it will address the predicate legal question of claim scope via the claim construction process, *see Packet Intel. LLC v. NetScout Sys., Inc.*, 965 F.3d 1299, 1306 (Fed. Cir. 2020) ("Claim construction is a question of law that may involve underlying factual questions.").

WHEREAS, the Order, dated July 12, 2021 (Dkt. No. 84), adjourned claim construction briefing pending Defendants' production of two categories of documents. Accordingly, it is hereby

ORDERED that a pre-motion conference will be held on Defendants' proposed motion for judgment on the pleadings following claim construction briefing and the Court's claim construction decision.

Dated: July 13, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE